

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIX SANCHEZ,

Plaintiff,

-against-

SUPERINTENDENT LEONARD A.
PORTUONDO ET AL.,

Defendants.

99-cv-1911 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

In 1992, petitioner Felix Sanchez was convicted of murder, attempted murder, and gun possession, and was sentenced to an aggregate term of 50 years to life in prison. His convictions were affirmed on appeal. On December 3, 1998, Sanchez filed an initial petition seeking habeas corpus relief, which this Court denied as untimely on January 12, 2000. ECF No. 8. On January 4, 2020, the Court denied Sanchez's motion for relief from this habeas judgment. ECF No. 19. Sanchez has now filed a further habeas petition pursuant to 28 U.S.C. § 2254(a) seeking release based on the extraordinary circumstances and risk to his health posed by COVID-19. ECF No. 24.

Under 28 U.S.C. §§ 2244(b)(3)(A) and 2255(h), any second or successive habeas petition must be certified by a panel of the Second Circuit. Because Sanchez's petition constitutes such a second motion, this Court lacks jurisdiction over it and must

transfer it to the Second Circuit pursuant to 28 U.S.C. § 1631. See Torres v. Senkowski, 316 F.3d 147, 151-52 (2d Cir. 2003). Accordingly, the Court orders that Sanchez's petition be transferred to the Second Circuit for consideration.

The Clerk of Court is directed to mail this order to Felix Sanchez.

SO ORDERED.

Dated: New York, NY

April 27, 2020


United States District Judge